

1 **Education Cabinet**

2 **Kentucky Board of Education**

3 **Department of Education**

4 **(Amendment)**

5 **703 KAR 5:080. Administration Code for Kentucky's Educational Assessment**
6 **Program.**

7 RELATES TO: KRS 158.6453, 158.6455

8 STATUTORY AUTHORITY: KRS 156.070, 158.6453, 158.6455

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.6455 requires the
10 Kentucky Board of Education to promulgate administrative regulations to establish a
11 system for identifying and rewarding successful schools and to establish appropriate
12 consequences for schools failing to meet or exceed their assistance line. This
13 administrative regulation revises [~~establishes~~] an Administration Code for Kentucky's
14 Educational Assessment Program for appropriate testing practices for state required tests.
15 Section 1. Incorporation by Reference. (1) The "Administration Code for Kentucky's
16 Educational Assessment Program," dated May 2009 [~~February 12, 2009~~], is incorporated
17 by reference.

18 (2) This document may be inspected, copied, or obtained, subject to applicable copyright
19 law, at the Department of Education, Office of Assessment and Accountability, 18th
20 Floor, Capital Plaza Tower, 500 Mero Street, Frankfort, Kentucky, Monday through

Friday, 8 a.m. through 4:30 p.m.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(4).

(Date)

Elaine Farris
Interim Commissioner of Education

(Date)

Joseph Brothers, Chairperson
Kentucky Board of Education

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Administrative Regulation: 703 KAR 5:080

Agency Contact Person: Kevin C. Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes guidelines for test administration of Kentucky's state-required assessments. Kentucky publicly reports the results of state-required assessment required by KRS 158.6455 and meets conditions necessary to conform to federal assessment and accountability requirements of the "No Child Left Behind Act of 2001", 20 U.S.C. 6301 et seq.

(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS 158.6455 and the "No Child Left Behind Act of 2001", 20 U.S.C. 6301 et seq. (NCLB).

(c) How this administrative regulation conforms to the content of the authorizing statute: This administrative regulation provides information necessary for inclusive state-wide assessment and federal accountability program as required by KRS 158.6453, KRS 158.6455, and the "No Child Left Behind Act of 2001", 20 U.S.C. 6301 et seq., including specific guidance for test administration.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation provides specific administrative guidance for the implementation of the state-wide assessment and federal accountability program which will be applied in all schools as required by KRS 158.6453, KRS 158.6455, and the "No Child Left Behind Act of 2001", 20 U.S.C. 6301 et seq.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed emergency amendments to the Administration Code are made as required by Senate Bill 1, passed in the 2009 Kentucky General Assembly. The required revisions enhance language prohibiting inappropriate test preparation and clarify the connection of the Education Professional Standards Board process for possible educator sanctions during the Kentucky Department of Education's testing allegations procedure. Additionally, changes have been made to align the regulation with new testing requirements in Senate Bill 1—all references to the Commonwealth Accountability Testing System (CATS, writing portfolios, arts and humanities and practical living/vocational studies have been removed.

(b) The necessity of the amendment to this administrative regulation: The administrations of state-required assessments, both custom and purchased assessments, require that Kentucky educators adhere to appropriate and consistent testing practices. The use of

assessment results in state public reporting and federal accountability calculations heightens the importance of statewide consistent administration practices.

(c) How the amendment conforms to the content of the authorizing statute: This amendment conforms to the authorizing statute by specifying guidance for the requirements of the statewide assessments and federal accountability programs.

(d) How the amendment will assist in the effective administration of the statutes: This amendment streamlines the regulation. It makes the regulation easier to use in required annual trainings and provides clarity on test administration rules of school and district staff. The amendments bring the regulation into full compliance with Senate Bill 1 (2009 KY General Assembly).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All public school districts in Kentucky and supporting staff in the Kentucky Department of Education are affected.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The proposed amendment will impact test administration procedures for state-required assessments.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Public school districts continue to be required to provide training annually on the regulation to appropriate staff administering the state-required assessments.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no new cost to school districts.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Kentucky school districts will have improved guidance on administration of state-required assessments with a regulation that reflects recent legislative change to the state assessment and accountability programs.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The proposed amendment will require some development of new training materials performed in the normal course of work. No additional costs are expected.

(b) On a continuing basis: The proposed amendment does not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: state General Fund

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Current funding covers support to schools and districts on test administration issues.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation No. 703 KAR 5:080

Contact Person: Kevin C. Brown

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

If yes, complete questions 2-4.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation KRS 158.6455 and “The No Child Left Behind Act of 2001”, 20 U.S.C. 6301 et seq.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No additional expense to school districts

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? The proposed amendment will require no additional cost.

(d) How much will it cost to administer this program for subsequent years? The proposed amendment will require no additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: